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Paper No. 5
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JUN 26 2002

OFFICE OF PETITIONS

In re Application of
Dojun Rhee
Application No. 09/994,556
Filed: November 27, 2001
Attorney Docket No. 4028-00300/(99-269)
For: UNEQUAL ERROR PROTECTION REED-
MULLER CODE GENERATOR AND DECODER

:
: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(b)
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This is in response to the petition under 37 CFR 1.47(b), filed February 8, 2002.

The petition is dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on November 27, 2001 without an executed oath or declaration. Accordingly, on December 17, 2001, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on February 8, 2002, a petition for a one month extension of time and required fee and the instant petition and required fee were filed. The petition sets forth the last known address of Dojun Rhee, the non-signing inventor, and explains that Mr. Rhee received the application papers, but did not respond to the request that he sign the oath or declaration for the patent application.

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;
- (2) an acceptable oath or declaration;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest; and
- (6) proof of irreparable damage.

Applicant lacks item (2) set forth above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration has not been signed by a properly empowered representative of the Rule 1.47 applicant. **No one** has signed the declaration. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47(b)

applicant on behalf of Inventor Dojun Rhee is REQUIRED. See MPEP 409.03(b). The individual signing the declaration should include information pertaining to him/her. The Office requires a new declaration with the signer's name, title, the address where he/she normally receives mail, his/her residence, and his/her citizenship listed thereon in addition to the information pertaining to the inventor. As stated in the MPEP 409.03(b), where an oath is signed by a registered attorney on behalf of a corporation, either proof of the attorney's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney may simply state that he is authorized to sign on behalf of the corporation.

Pursuant to petitioner's authorization, deposit account no. 12-2252 was charged a \$130.00 petition fee and a \$110.00 one month extension of time fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries should be directed to the undersigned at (703) 308-6712.



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